

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ABDULKADIR OSMAN GARGAR,

Petitioner,

v.

MARK THOMPSON,

Respondent.

CASE NO. 2:24-cv-00128-TMC-GJL

ORDER DENYING COUNSEL

The District Court has referred this 28 U.S.C. § 2254 action to United States Magistrate Judge Grady J. Leupold. Presently before the Court is Petitioner's Motion to Appoint Counsel. Dkt. 10.

There is no right to have counsel appointed in cases brought under 28 U.S.C. § 2254, unless an evidentiary hearing is required or such appointment is "necessary for the effective utilization of discovery procedures." *See McCleskey v. Zant*, 499 U.S. 467, 495 (1991); *United States v. Duarte-Higareda*, 68 F.3d 369, 370 (9th Cir. 1995); *United States v. Angelone*, 894 F.2d 1129, 1130 (9th Cir. 1990); *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983); Rules Governing Section 2254 Cases in the United States District Courts 6(a) and 8(c). The Court also

1 may appoint counsel “at any stage of the case if the interest of justice so requires.” *Weygandt*,
2 718 F.2d at 954. In deciding whether to appoint counsel, however, the Court “must evaluate the
3 likelihood of success on the merits as well as the ability of the petitioner to articulate his claims
4 *pro se* in light of the complexity of the legal issues involved.” *Id.*

5 Petitioner has not demonstrated the circumstances required for the Court to appoint
6 counsel. As explained in the Court’s Report and Recommendation (Dkt. 12), Petitioner is not
7 likely to succeed on the merits and an evidentiary hearing is not warranted in this case. *Id.*

8 Accordingly, Petitioner’s Motion to Appoint Counsel (Dkt. 10) is **DENIED**.

9 Dated this 27th day of March, 2024.

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11 A handwritten signature in black ink, appearing to read 'Grady J. Leupold', is written over a solid horizontal line.

12 Grady J. Leupold
13 United States Magistrate Judge
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